

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHERMAN JOSEPH LaVALLIE, Jr.,

Defendant.

**CR 09-56-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 23, 2016. (Doc. 57.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1986). This Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2016. (Doc. 53.) LaVallie admitted to having violated the conditions of his supervised release by failing to participate in sex offender treatment. (*Id.*) Judge Johnston found the evidence sufficient to establish that LaVallie had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends this Court revoke LaVallie's supervised release. (Doc. 57.) Judge Johnston recommends that the Court sentence LaVallie to eight (8) months imprisonment. (*Id.*) LaVallie previously had been placed on lifetime supervision, and Judge Johnston recommends that lifetime supervision should continue. (*Id.*)

LaVallie's criminal history category is I, the current violation is a Grade C, and the underlying offense is a Class A felony. The statutory range is a maximum of 60 months. The United States Sentencing Guidelines call for three to nine months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. LaVallie's current violation is serious in nature. A sentence of eight months imprisonment with a lifetime of supervised release to follow would be sufficient, but not greater than necessary.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 57) is ADOPTED IN FULL. **IT IS FURTHER**

**ORDERED** that Defendant Sherman Joseph LaVallie, Jr., shall be sentenced to **eight months imprisonment with lifetime supervision to follow.**

DATED this 6th day of June, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge